

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

In the Matter of)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Petition of Virginia PCS Alliance, L.C)	
and Richmond 20 MHz LLC)	
d/b/a NTELOS)	
for Designation as)	
Eligible Telecommunications Carriers)	
in the State of Virginia)	

**SUPPLEMENT TO PETITION OF VIRGINIA PCS ALLIANCE, L.C. AND
RICHMOND 20 MHZ LLC d/b/a NTELOS FOR DESIGNATION AS ETCs IN
VIRGINIA**

Virginia PCS Alliance, L.C. and Richmond 20 Mhz, LLC, doing business as NTELOS (collectively “NTELOS”), submit this Supplement to the above-captioned Petition for Designation as ETCs in the State of Virginia, filed on November 10, 2003 in CC Docket No. 96-45 (“Petition”).¹

None of the exchanges for which NTELOS has applied for ETC status are served by rural ILECs. As supplemented herein, NTELOS’ Petition presents no new issues for consideration and therefore should be granted promptly within the decisional framework established by the Commission in its recent Memorandum Opinion and Order in the *Virginia Cellular* proceeding.²

¹ Parties are Invited to Update the Record Pertaining to Pending Petitions for Eligible Telecommunications Carrier Designations. CC Docket 96-45, 69 Fed. Reg. 22029 (April 23, 2004).

² *In the Matter of Federal-State Joint Board on Universal Service, Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, CC Docket No. 96-45, *Memorandum Opinion and Order*, FCC 03-338 (rel. January 22, 2004) (“*Virginia Cellular Order*”)

1. NTELOS Has Adopted the CTIA Consumer Code for Wireless Service

The Commission has recognized that the CTIA Consumer Code for Wireless Services (the “CTIA Consumer Code”) contains important customer protections, and that the adoption of those standards demonstrates a wireless ETC’s commitment to customer service and service quality consistent with the public interest.³ NTELOS has adopted the CTIA Consumer Code and already provides customer service based on the principles of the Code. NTELOS prides itself on customer service and the company’s formal adoption of the CTIA Consumer Code further demonstrates its commitment to service in areas where NTELOS is seeking ETC designation.

2. NTELOS Will Provide Annual Consumer Complaint Reporting

In the *Virginia Cellular Order*, the Commission also required the annual reporting of consumer complaints per 1,000 handsets.⁴ NTELOS commits to providing the Commission and the Universal Service Administrative Company (“USAC”), on an annual basis, with a report of the number of consumer complaints per 1,000 handsets for the preceding year. This “Annual Consumer Complaint Report” will be filed with USAC and the Commission on October 1 of each year, beginning with the year in which NTELOS is designated as an ETC in Virginia. Together with its Annual Consumer Complaint Report, NTELOS will also provide the Commission with the name, address and telephone number of a point of contact to address any customer service or service quality complaint received by the Commission. The designated contact person will have access to customer account information and the authority to resolve customer service issues.

³ See *Virginia Cellular Order* at ¶ 30.

⁴ See *Virginia Cellular Order* at ¶ 30.

3. NTELOS' Service Provisioning Commitment

To provide assurance to the Commission that NTELOS will respond to reasonable requests for service within its designated service territory, upon designation as an ETC in Virginia, NTELOS will implement the following steps, which were presented by Virginia Cellular and accepted by the Commission.⁵ NTELOS is already following a similar procedure in West Virginia, where the West Virginia Public Service Commission has certified NTELOS as an ETC.

- A. If a request comes from a potential customer within its existing network coverage, NTELOS will provide service immediately using customer equipment selected by the customer.
- B. If a potential customer within NTELOS' designated service territory cannot be served by existing network facilities, NTELOS will take a series of steps in response to the request for service:

First, NTELOS will determine whether the potential customer's equipment can be modified or replaced to provide service in the requested location.

Second, NTELOS will determine whether the customer could be provided with other network equipment (booster, antenna or other device) to enable provision of service in the requested location.

Third, NTELOS will determine whether adjustments at the cell site nearest the requested location can be made to enable provision of service.

Fourth, NTELOS will determine whether there are any other adjustments to either the network or the customer facilities that can be made to provide service.

Fifth, NTELOS will determine whether it can offer resold service from another carrier that has facilities available to provide service in the requested location. Since NTELOS is also a CLEC in Virginia, it can easily resell ILEC services to provide universal service.

⁵ See Virginia Cellular, LCC November 12, 2003 letter amendment in CC Docket No. 96-45 at 3-4; see also *Virginia Cellular Order* at ¶15.

Sixth, NTELOS will determine whether additional network infrastructure (additional cell site, extender or repeater) could be constructed to provide service, and evaluate the costs and benefits of using high-cost universal service support to serve a number of customer requesting service.

- C. If, after all of the foregoing steps have been completed, NTELOS determines that the customer cannot be served, NTELOS will so notify the customer and provide the Commission and USAC with an annual report of how many requests for service that could not be filled.
- D. NTELOS' "Annual Report of Unfilled Service Requests" would be filed with the Commission and USAC on each October 1, beginning in the year in which NTELOS obtains designation as an ETC in Virginia. The Commission would retain jurisdiction and authority to consider whether NTELOS has responded appropriately to a request for service.

The formalization of this process will benefit consumers and provide the Commission with the requisite assurance that NTELOS will thoroughly and systematically respond to reasonable requests for service within its designated service territory.

4. NTELOS Will Comply With Requirements Concerning the Use of Support and Submit Progress Reports Meeting Build-Out Goals

A. Construction Plan

The Commission's rules provide a mechanism for ensuring that all ETCs are using support for the purposes for which that support is intended. NTELOS will comply with all applicable rules addressing those standards.

Consistent with the *Virginia Cellular Order*, NTELOS is submitting specific Construction Plan for its designated service territory in Virginia to demonstrate its projected use of USF High Cost Program funds to improve its network facilities, and reach out to areas that it does not currently serve.

NTELOS' Construction Plan for Virginia are attached as "Exhibit 1". The Construction Plan reflect NTELOS' 2004 projected capital budget for the Designated Areas, and include site modification and switch capital expenses. NTELOS' Construction Plan demonstrates its commitment to bring quality service to Virginia consumers. NTELOS has not yet estimated the amount of USF subsidies it will receive upon grant of ETC status, but NTELOS is confident its construction totals will far exceed any USF funding received.

B. Annual Progress Report

To detail its "progress in meeting its build-out plans in the service areas it is designated as an ETC,"⁶ NTELOS will submit information annually to the Commission and USAC. The Commission recognized that this commitment would provide important information that could be used to evaluate an ETC's progress towards meeting its obligation to provide service throughout a service area.⁷ NTELOS' "Annual Construction Progress Report" will be filed with the Commission and USAC on October 1 of each year, commencing with the year in which NTELOS is designated an ETC in Virginia.

5. NTELOS Will Advertise the Availability of Its Services

NTELOS advertises and informs potential customers of its services and products by means of newspapers, television, radio, and its Internet website. Upon designation as an ETC in Virginia, NTELOS will continue to advertise the availability of its services, including all USF supported services, throughout its ETC designated service territory. NTELOS will advertise the availability and terms and conditions of Lifeline

⁶ See *Virginia Cellular Order* at ¶ 46.

⁷ See *Virginia Cellular Order* at ¶ 30.

and Linkup programs so that eligible consumers can determine whether they are eligible to receive discounts and/or subsidies from these programs in conjunction with their NTELOS service. NTELOS will also locally publicize the construction of new facilities and relevant expansions of service coverage, so that consumers may be advised when NTELOS service is improved, or becomes available to customers in their localities.⁸

6. Granting NTELOS' Petition Will Serve the Public Interest

As mentioned in NTELOS' Petition, grant of ETC status to NTELOS will provide the benefit of increased competitive choices to customers in Virginia.⁹ Consistent with the Commission's *Virginia Cellular Order*, NTELOS' state-of-the-art digital wireless service allows customers access to telecommunications and data services in situations "where they do not have access to a wireline telephone."¹⁰ NTELOS' mobile wireless service will assist consumers in rural areas by providing a telecommunications link as they drive significant distances to places of employment, schools and other community locations.¹¹

Conclusion

NTELOS' Petition for Designation in Virginia, as supplemented, does not present any new or novel issues that were not addressed in the Commission's *Virginia Cellular Order*, and NTELOS has provided all of the specific commitments and

⁸ See *Virginia Cellular Order* at ¶ 25.

⁹ See NTELOS Petition at § IV; see also *Virginia Cellular Order* at ¶ 28.

¹⁰ See *Virginia Cellular Order* at ¶ 29.

¹¹ *Id.*

information required by the Commission in that decision. Accordingly, NTELOS requests that the Commission promptly grant its Petition.

Respectfully submitted,

Virginia PCS Alliance, L.C. and Richmond 20 Mhz,
LLC (d/b/a NTELOS)

/s/ Mary McDermott
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Dated: May 14, 2004

EXHIBIT 1

**Virginia PCS Alliance, L.C. and Richmond 20 Mhz LLC d/b/a NTELOS
Construction Plan for Virginia Designated Areas**

<u>Location</u>	<u>New Cell Site Count</u>	<u>Total Estimated Costs</u>
Staunton- Greenville Ave	1	\$ 221,541
Roanoke- Peters Creek	1	\$ 355,378
Richmond- Short Pump	1	\$ 90,000
Virginia Beach- Green Run	1	\$ 377,953
Littleneck	1	\$ 536,183
Kempsville	1	\$ 365,000
Lakewood	1	\$ 186,539
Dinwiddie	1	\$ 344,596
Hamilton	1	\$ 351,132
Stony Creek	1	\$ 416,121
Moonlight	1	\$ 314,834
Emporia	1	\$ 360,881
South Emporia	1	\$ 237,062
Chesapeake Municipal	1	\$ 165,000
Virginia Beach- Executive Park South	1	\$ 300,000
TOTAL NEW CELL SITE ACTIVATIONS	15	\$ 4,622,220

As set forth above, NTELOS' projected budget for construction in the Designated Areas is over \$4.6 Million for improvements projected for completion in 2004. The improvements projected for 2004 include 15 new cell sites that are intended to expand NTELOS' capability to serve customers within the Designated Areas. NTELOS has not estimated the monthly USF subsidy amount that may be received in Virginia but assumes that the construction costs would far exceed any USF subsidies received when NTELOS is designated as an ETC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 14th day of May, 2004, a true and correct copy of the foregoing Supplement to the Petition of Virginia PCS Alliance, L.C. and Richmond 20 Mhz, LLC (d/b/a NTELOS) for Designation as Eligible Telecommunications Carriers in Virginia was sent via First Class Mail, postage prepaid, to the following:

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/s/Mary McDermott

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